IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 5TH DECEMBER 2006 / 14TH AGRAHAYANA 1928

Bail Appl..No. 7101 of 2006()

CC.90/2001 of J.M.F.C.-II PUNALUR
CRIME NO.200/92 OF EZHUKONE POLICE STATION

.....

PETITIONER/1ST ACCUSED:

GEORGEKUTTY,
S/O.YOHANNAN, ANGADIYIL PUTHENVEEDU,
KOLANNUR, EZHUKONE, KOLLAM.

BY ADV. SRI.R.ARUN RAJ

RESPONDENT: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

B.A.No. 7101 OF 2006

DATED THIS THE 5TH DAY OF DECEMBER, 2006

O R D E R

Petitioner who is the first accused in Crime No.200/92 of Ezhukone Police Station for offences punishable under sections 120B, 457, 380 and 411 IPC, seeks anticipatory bail.

2. Admittedly, due to the non-appearance of the petitioner before the trial court, viz; J.F.C.M., Punalur, the case against him was split up and re-filed and subsequently transferred to the long pending register, where it has been numbered as L.P.No.30/02. Admittedly, non-bailable warrant of arrest is pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail, within 10 days from today, the same shall be considered and disposed of, preferably on the same date on which it is filed after considering

the petitioner's explanation for his previous non-appearance and also the contention that the co-accused in the case have been acquitted.

With this observation, this petition is dismissed.

V.RAMKUMAR, JUDGE

dsn